

By: Senator(s) Dearing

To: Juvenile Justice;
Judiciary

SENATE BILL NO. 2246

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT JUVENILES CHARGED WITH MOTOR VEHICLE THEFT SHALL
 3 BE TRIED AS ADULTS AND TO REMOVE THE OFFENSE FROM THE JURISDICTION
 4 OF THE YOUTH COURT; TO AMEND SECTION 43-21-157, MISSISSIPPI CODE
 5 OF 1972, TO PROHIBIT TRANSFER OF JURISDICTION TO THE YOUTH COURT;
 6 TO AMEND SECTION 43-21-159, MISSISSIPPI CODE OF 1972, IN
 7 CONFORMITY THERETO; TO AMEND SECTION 43-21-255, MISSISSIPPI CODE
 8 OF 1972, TO PROVIDE THAT RECORDS INVOLVING MOTOR VEHICLE THEFT BY
 9 A CHILD SHALL BE PUBLIC; TO AMEND SECTION 43-21-261, MISSISSIPPI
 10 CODE OF 1972, TO ALLOW PUBLIC DISCLOSURE OF IDENTIFYING
 11 INFORMATION CONCERNING A CHILD CHARGED WITH MOTOR VEHICLE LARCENY;
 12 AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Section 43-21-151, Mississippi Code of 1972, is
 15 amended as follows:

16 43-21-151. (1) The youth court shall have exclusive
 17 original jurisdiction in all proceedings concerning a delinquent
 18 child, a child in need of supervision, a neglected child, an
 19 abused child or a dependent child except in the following
 20 circumstances:

21 (a) Any act attempted or committed by a child, which if
 22 committed by an adult would be punishable under state or federal
 23 law by life imprisonment or death, will be in the original
 24 jurisdiction of the circuit court;

25 (b) Any act attempted or committed by a child with the
 26 use of a deadly weapon, the carrying of which concealed is
 27 prohibited by Section 97-37-1, or a shotgun or a rifle, which
 28 would be a felony if committed by an adult, will be in the
 29 original jurisdiction of the circuit court; * * *

30 (c) Any larceny of a motor vehicle; and

31 (d) When a charge of abuse of a child first arises in
 32 the course of a custody action between the parents of the child

33 already pending in the chancery court and no notice of such abuse
34 was provided prior to such chancery proceedings, the chancery
35 court may proceed with the investigation, hearing and
36 determination of such abuse charge as a part of its hearing and
37 determination of the custody issue as between the parents,
38 notwithstanding the other provisions of the Youth Court Law. The
39 proceedings in chancery court on the abuse charge shall be
40 confidential in the same manner as provided in youth court
41 proceedings.

42 When a child is expelled from the public schools, the youth
43 court shall be notified of the act of expulsion and the act or
44 acts constituting the basis for expulsion.

45 (2) Jurisdiction of the child in the cause shall attach at
46 the time of the offense and shall continue thereafter for that
47 offense until the child's twentieth birthday, unless sooner
48 terminated by order of the youth court. The youth court shall not
49 have jurisdiction over offenses committed by a child on or after
50 his eighteenth birthday, or over offenses committed by a child on
51 or after his seventeenth birthday where such offenses would be a
52 felony if committed by an adult.

53 (3) No child who has not reached his thirteenth birthday
54 shall be held criminally responsible or criminally prosecuted for
55 a misdemeanor or felony; however, the parent, guardian or
56 custodian of such child may be civilly liable for any criminal
57 acts of such child. No child under the jurisdiction of the youth
58 court shall be held criminally responsible or criminally
59 prosecuted by any court for any act designated as a delinquent
60 act, unless jurisdiction is transferred to another court under
61 Section 43-21-157.

62 (4) The youth court shall also have jurisdiction of offenses
63 committed by a child which have been transferred to the youth
64 court by an order of a circuit court of this state having original
65 jurisdiction of the offense, as provided by Section 43-21-159.

66 (5) The youth court shall regulate and approve the use of

67 teen court as provided in Section 43-21-753.

68 SECTION 2. Section 43-21-157, Mississippi Code of 1972, is
69 amended as follows:

70 43-21-157. (1) If a child who has reached his thirteenth
71 birthday is charged by petition to be a delinquent child, the
72 youth court, either on motion of the youth court prosecutor or on
73 the youth court's own motion, after a hearing as hereinafter
74 provided, may, in its discretion, transfer jurisdiction of the
75 alleged offense described in the petition or a lesser included
76 offense to the criminal court which would have trial jurisdiction
77 of such offense if committed by an adult. The child shall be
78 represented by counsel in transfer proceedings.

79 (2) A motion to transfer shall be filed on a day prior to
80 the date set for the adjudicatory hearing but not more than ten
81 (10) days after the filing of the petition. The youth court may
82 order a transfer study at any time after the motion to transfer is
83 filed. The transfer study and any other social record which the
84 youth court will consider at the transfer hearing shall be made
85 available to the child's counsel prior to the hearing. Summons
86 shall be served in the same manner as other summons under this
87 chapter with a copy of the motion to transfer and the petition
88 attached thereto.

89 (3) The transfer hearing shall be bifurcated. At the
90 transfer hearing, the youth court shall first determine whether
91 probable cause exists to believe that the child committed the
92 alleged offense. For the purpose of the transfer hearing only,
93 the child may, with the assistance of counsel, waive the
94 determination of probable cause.

95 (4) Upon such a finding of probable cause, the youth court
96 may transfer jurisdiction of the alleged offense and the youth if
97 the youth court finds by clear and convincing evidence that there
98 are no reasonable prospects of rehabilitation within the juvenile
99 justice system.

100 (5) The factors which shall be considered by the youth court

101 in determining the reasonable prospects of rehabilitation within
102 the juvenile justice system are:

103 (a) Whether or not the alleged offense constituted a
104 substantial danger to the public;

105 (b) The seriousness of the alleged offense;

106 (c) Whether or not the transfer is required to protect
107 the community;

108 (d) Whether or not the alleged offense was committed in
109 an aggressive, violent, premeditated or willful manner;

110 (e) Whether the alleged offense was against persons or
111 against property, greater weight being given to the offense
112 against persons, especially if personal injury resulted;

113 (f) The sophistication, maturity and educational
114 background of the child;

115 (g) The child's home situation, emotional condition and
116 life style;

117 (h) The history of the child, including experience with
118 the juvenile justice system, other courts, probation, commitments
119 to juvenile institutions or other placements;

120 (i) Whether or not the child can be retained in the
121 juvenile justice system long enough for effective treatment or
122 rehabilitation;

123 (j) The dispositional resources available to the
124 juvenile justice system;

125 (k) Dispositional resources available to the adult
126 correctional system for the child if treated as an adult;

127 (l) Whether the alleged offense was committed on school
128 property, public or private, or at any school-sponsored event, and
129 constituted a substantial danger to other students;

130 (m) Any other factors deemed relevant by the youth
131 court; and

132 (n) Nothing in this subsection shall prohibit the
133 transfer of jurisdiction of an alleged offense and a child if that
134 child, at the time of the transfer hearing, previously has not

135 been placed in a juvenile institution.

136 (6) If the youth court transfers jurisdiction of the alleged
137 offense to a criminal court, the youth court shall enter a
138 transfer order containing:

139 (a) Facts showing that the youth court had jurisdiction
140 of the cause and of the parties;

141 (b) Facts showing that the child was represented by
142 counsel;

143 (c) Facts showing that the hearing was held in the
144 presence of the child and his counsel;

145 (d) A recital of the findings of probable cause and the
146 facts and reasons underlying the youth court's decision to
147 transfer jurisdiction of the alleged offense;

148 (e) The conditions of custody or release of the child
149 pending criminal court proceedings, including bail or recognizance
150 as the case may justify, as well as a designation of the custodian
151 for the time being; and

152 (f) A designation of the alleged offense transferred
153 and of the court to which the transfer is made and a direction to
154 the clerk to forward for filing in such court a certified copy of
155 the transfer order of the youth court.

156 (7) The testimony of the child respondent at a transfer
157 hearing conducted pursuant to this chapter shall not be admissible
158 against the child in any proceeding other than the transfer
159 hearing.

160 (8) When jurisdiction of an offense is transferred to the
161 circuit court, or when a youth has committed an act which is in
162 original circuit court jurisdiction pursuant to Section
163 43-21-151(1), the jurisdiction of the youth court over the youth
164 is forever terminated, except that such jurisdiction is not
165 forever terminated if the circuit court transfers or remands the
166 transferred case to the youth court or if a child who has been
167 transferred to the circuit court or is in the original
168 jurisdiction of the circuit court is not convicted. However, when

169 jurisdiction of an offense is transferred to the circuit court
170 pursuant to this section or when an offense committed by a youth
171 is in original circuit court jurisdiction pursuant to Section
172 43-21-151(1), the circuit court shall thereafter assume and retain
173 jurisdiction of any felony offenses committed by such youth
174 without any additional transfer proceedings. Any misdemeanor
175 offenses committed by youth who are in circuit court jurisdiction
176 pursuant to this section or Section 43-21-151(1) shall be
177 prosecuted in the court which would have jurisdiction over that
178 offense if committed by an adult without any additional transfer
179 proceedings. The circuit court may review the transfer
180 proceedings on motion of the transferred child. Such review shall
181 be on the record of the hearing in the youth court. The circuit
182 court shall remand the offense to the youth court if there is no
183 substantial evidence to support the order of the youth court. The
184 circuit court may also review the conditions of custody or release
185 pending criminal court proceedings.

186 (9) When any youth has been the subject of a transfer to
187 circuit court for an offense committed in any county of the state
188 or has committed any act which is in the original jurisdiction of
189 the circuit court pursuant to Section 43-21-151(1), that transfer
190 or original jurisdiction shall be recognized by all other courts
191 of the state and no subsequent offense committed by such youth in
192 any county of the state shall be in the jurisdiction of the youth
193 court unless transferred to the youth court pursuant to Section
194 43-21-159(3). Transfers from youth courts of other states shall
195 be recognized by the courts of this state and no youth who has a
196 pending charge or a conviction in the adult court system of any
197 other state shall be in the jurisdiction of the youth courts of
198 this state, but such youths shall be in the jurisdiction of the
199 circuit court for any felony committed in this state or in the
200 jurisdiction of the court of competent jurisdiction for any
201 misdemeanor committed in this state.

202 (10) Any child charged with larceny of a motor vehicle shall

203 be under the jurisdiction of the circuit court, which offense
204 shall not be transferred to the youth court.

205 SECTION 3. Section 43-21-159, Mississippi Code of 1972, is
206 amended as follows:

207 43-21-159. (1) When a person appears before a court other
208 than the youth court, and it is determined that the person is a
209 child under jurisdiction of the youth court, such court shall,
210 unless the jurisdiction of the offense has been transferred to
211 such court as provided in this chapter, or unless the child has
212 previously been the subject of a transfer from the youth court to
213 the circuit court for trial as an adult and was convicted,
214 immediately dismiss the proceeding without prejudice and forward
215 all documents pertaining to the cause to the youth court; and all
216 entries in permanent records shall be expunged. The youth court
217 shall have the power to order and supervise the expunction or the
218 destruction of such records in accordance with Section 43-21-265.

219 The youth court is authorized to expunge the record of any case
220 within its jurisdiction in which an arrest was made, the person
221 arrested was released and the case was dismissed or the charges
222 were dropped or there was no disposition of such case. In cases
223 where the child is charged with a hunting or fishing violation or
224 a traffic violation whether it be any state or federal law, a
225 violation of the Mississippi Implied Consent Law, or municipal
226 ordinance or county resolution or where the child is charged with
227 a violation of Section 67-3-70, the appropriate criminal court
228 shall proceed to dispose of the same in the same manner as for
229 other adult offenders and it shall not be necessary to transfer
230 the case to the youth court of the county. Unless the cause has
231 been transferred, or unless the child has previously been the
232 subject of a transfer from the youth court to the circuit court
233 for trial as an adult, except for violations under the Implied
234 Consent Law, and was convicted, the youth court shall have power
235 on its own motion to remove jurisdiction from any criminal court
236 of any offense including a hunting or fishing violation, a traffic

237 violation, or a violation of Section 67-3-70, committed by a child
238 in a matter under the jurisdiction of the youth court and proceed
239 therewith in accordance with the provisions of this chapter.

240 (2) After conviction and sentence of any child by any other
241 court having original jurisdiction on a misdemeanor charge, and
242 within the time allowed for an appeal of such conviction and
243 sentence, the youth court of the county shall have the full power
244 to stay the execution of the sentence and to release the child on
245 good behavior or on other order as the youth court may see fit to
246 make unless the child has previously been the subject of a
247 transfer from the youth court to the circuit court for trial as an
248 adult and was convicted. When a child is convicted of a
249 misdemeanor and is committed to, incarcerated in or imprisoned in
250 a jail or other place of detention by a criminal court having
251 proper jurisdiction of such charge, such court shall notify the
252 youth court judge or the judge's designee of the conviction and
253 sentence prior to the commencement of such incarceration. The
254 youth court shall have the power to order and supervise the
255 destruction of any records involving children maintained by the
256 criminal court in accordance with Section 43-21-265. However, the
257 youth court shall have the power to set aside a judgment of any
258 other court rendered in any matter over which the youth court has
259 exclusive original jurisdiction, to expunge or destroy the records
260 thereof in accordance with Section 43-21-265, and to order a
261 refund of fines and costs.

262 (3) Nothing in subsection (1) or (2) shall apply to a youth
263 who has a pending charge or a conviction for any crime over which
264 circuit court has original jurisdiction.

265 (4) In any case wherein the defendant is a child as defined
266 in this chapter and of which the circuit court has original
267 jurisdiction, the circuit judge, upon a finding that it would be
268 in the best interest of such child and in the interest of justice,
269 may at any stage of the proceedings prior to the attachment of
270 jeopardy transfer such proceedings to the youth court for further

271 proceedings unless the child has previously been the subject of a
272 transfer from the youth court to the circuit court for trial as an
273 adult and was convicted or has previously been convicted of a
274 crime which was in original circuit court jurisdiction, and the
275 youth court shall, upon acquiring jurisdiction, proceed as
276 provided in this chapter for the adjudication and disposition of
277 delinquent child proceeding proceedings. If the case is not
278 transferred to the youth court and the youth is convicted of a
279 crime by any circuit court, the trial judge shall sentence the
280 youth as though such youth was an adult. The circuit court shall
281 not have the authority to commit such child to the custody of the
282 Department of Youth Services for placement in a state-supported
283 training school.

284 (5) In no event shall a court sentence an offender over the
285 age of eighteen (18) to the custody of the Division of Youth
286 Services for placement in a state-supported training school.

287 (6) When a child's driver's license is suspended by the
288 youth court for any reason, the clerk of the youth court shall
289 report the suspension, without a court order under Section
290 43-21-261, to the Commissioner of Public Safety in the same manner
291 as such suspensions are reported in cases involving adults.

292 (7) No offense involving the use or possession of a firearm
293 by a child who has reached his fifteenth birthday and which, if
294 committed by an adult would be a felony, shall be transferred to
295 the youth court.

296 (8) No offense of larceny of a motor vehicle shall be
297 transferred to the youth court.

298 SECTION 4. Section 43-21-255, Mississippi Code of 1972, is
299 amended as follows:

300 43-21-255. (1) Except as otherwise provided by this
301 section, all records involving children made and retained by law
302 enforcement officers and agencies or by the youth court prosecutor
303 and the contents thereof shall be kept confidential and shall not
304 be disclosed except as provided in Section 43-21-261.

305 (2) A child in the jurisdiction of the youth court and who
306 has been taken into custody for an act, which if committed by an
307 adult would be considered a felony or offenses involving
308 possession or use of a dangerous weapon or any firearm, may be
309 photographed or fingerprinted or both. Any law enforcement agency
310 taking such photographs or fingerprints shall immediately report
311 the existence and location of the photographs and fingerprints to
312 the youth court. Copies of fingerprints known to be those of a
313 child shall be maintained on a local basis only. Such copies of
314 fingerprints may be forwarded to another local, state or federal
315 bureau of criminal identification or regional depository for
316 identification purposes only. Such copies of fingerprints shall
317 be returned promptly and shall not be maintained by such agencies.

318 (3) Any law enforcement record involving children who have
319 been taken into custody for an act, which if committed by an adult
320 would be considered a felony and/or offenses involving possession
321 or use of a dangerous weapon including photographs and
322 fingerprints, may be released to a law enforcement agency
323 supported by public funds, youth court officials and appropriate
324 school officials without a court order under Section 43-21-261.
325 Law enforcement records shall be released to youth court officials
326 and to appropriate school officials upon written request. Except
327 as provided in subsection (4) of this section, any law enforcement
328 agency releasing such records of children in the jurisdiction of
329 the youth court shall immediately report the release and location
330 of the records to the youth court. The law enforcement agencies,
331 youth court officials and school officials receiving such records
332 are prohibited from using the photographs and fingerprints for any
333 purpose other than for criminal law enforcement and juvenile law
334 enforcement. Each law enforcement officer or employee, each youth
335 court official or employee and each school official or employee
336 receiving the records shall submit to the sender a signed
337 statement acknowledging his or her duty to maintain the
338 confidentiality of the records. In no instance shall the fact

339 that such records of children in the jurisdiction of the youth
340 court exist be conveyed to any private individual, firm,
341 association or corporation or to any public or quasi-public agency
342 the duties of which do not include criminal law enforcement or
343 juvenile law enforcement.

344 (4) When a child's driver's license is suspended for refusal
345 to take a test provided under the Mississippi Implied Consent Law,
346 the law enforcement agency shall report such refusal, without a
347 court order under Section 43-21-261, to the Commissioner of Public
348 Safety in the same manner as such suspensions are reported in
349 cases involving adults.

350 (5) All records involving a child convicted as an adult or
351 who has been twice adjudicated delinquent for a sex offense as
352 defined by Section 45-33-1, Mississippi Code of 1972, shall be
353 public and shall not be kept confidential.

354 (6) All records involving any larceny of a motor vehicle
355 committed by a child shall be public and shall not be kept
356 confidential.

357 SECTION 5. Section 43-21-261, Mississippi Code of 1972, is
358 amended as follows:

359 43-21-261. (1) Except as otherwise provided in this
360 section, records involving children shall not be disclosed, other
361 than to necessary staff of the youth court, except pursuant to an
362 order of the youth court specifying the person or persons to whom
363 the records may be disclosed, the extent of the records which may
364 be disclosed and the purpose of the disclosure. Such court orders
365 for disclosure shall be limited to those instances in which the
366 youth court concludes, in its discretion, that disclosure is
367 required for the best interests of the child, the public safety or
368 the functioning of the youth court and then only to the following
369 persons:

370 (a) The judge of another youth court or member of
371 another youth court staff;

372 (b) The court of the parties in a child custody or

373 adoption cause in another court;

374 (c) A judge of any other court or members of another
375 court staff;

376 (d) Representatives of a public or private agency
377 providing supervision or having custody of the child under order
378 of the youth court;

379 (e) Any person engaged in a bona fide research purpose,
380 provided that no information identifying the subject of the
381 records shall be made available to the researcher unless it is
382 absolutely essential to the research purpose and the judge gives
383 prior written approval, and the child, through his or her
384 representative, gives permission to release the information;

385 (f) The Mississippi Employment Security Commission, or
386 its duly authorized representatives, for the purpose of a child's
387 enrollment into the Job Corps Training Program as authorized by
388 Title IV of the Comprehensive Employment Training Act of 1973 (29
389 U.S.C.A. Section 923 et seq.). However, no records, reports,
390 investigations or information derived therefrom pertaining to
391 child abuse or neglect shall be disclosed; and

392 (g) To any person pursuant to a finding by a judge of
393 the youth court of compelling circumstances affecting the health
394 or safety of a child and that such disclosure is in the best
395 interests of the child.

396 Law enforcement agencies may disclose information to the
397 public concerning the taking of a child into custody for the
398 commission of a delinquent act or larceny of a motor vehicle
399 without the necessity of an order from the youth court. The
400 information released shall not identify the child or his address
401 unless the information involves a child convicted as an adult or a
402 child charged with larceny of a motor vehicle.

403 (2) Any records involving children which are disclosed under
404 an order of the youth court and the contents thereof shall be kept
405 confidential by the person or agency to whom the record is
406 disclosed except as provided in the order. Any further disclosure

407 of any records involving children shall be made only under an
408 order of the youth court as provided in this section.

409 (3) Upon request, the parent, guardian or custodian of the
410 child who is the subject of a youth court cause or any attorney
411 for such parent, guardian or custodian, shall have the right to
412 inspect any record, report or investigation which is to be
413 considered by the youth court at a hearing, except that the
414 identity of the reporter shall not be released, nor the name of
415 any other person where the person or agency making the information
416 available finds that disclosure of the information would be likely
417 to endanger the life or safety of such person.

418 (4) Upon request, the child who is the subject of a youth
419 court cause shall have the right to have his counsel inspect and
420 copy any record, report or investigation which is filed with the
421 youth court.

422 (5) (a) The youth court prosecutor or prosecutors, the
423 county attorney, the district attorney, the youth court defender
424 or defenders, or any attorney representing a child shall have the
425 right to inspect any law enforcement record involving children.

426 (b) The Department of Human Services shall disclose to
427 a county prosecuting attorney or district attorney any and all
428 records resulting from an investigation into suspected child abuse
429 or neglect when the case has been referred by the Department of
430 Human Services to the county prosecuting attorney or district
431 attorney for criminal prosecution.

432 (c) Agency records made confidential under the
433 provisions of this section may be disclosed to a court of
434 competent jurisdiction.

435 (6) Information concerning an investigation into a report of
436 child abuse or child neglect may be disclosed by the Department of
437 Human Services without order of the youth court to any attorney,
438 physician, dentist, intern, resident, nurse, psychologist, social
439 worker, child care giver, minister, law enforcement officer,
440 public or private school employee making that report pursuant to

441 Section 43-21-353(1) if the reporter has a continuing professional
442 relationship with the child and a need for such information in
443 order to protect or treat the child.

444 (7) Information concerning an investigation into a report of
445 child abuse or child neglect may be disclosed without further
446 order of the youth court to any interagency child abuse task force
447 established in any county or municipality by order of the youth
448 court of that county or municipality.

449 (8) Names and addresses of juveniles twice adjudicated as
450 delinquent for an act which would be a felony if committed by an
451 adult or for the unlawful possession of a firearm shall not be
452 held confidential and shall be made available to the public.

453 (9) Names and addresses of juveniles adjudicated as
454 delinquent for murder, manslaughter, burglary, arson, armed
455 robbery, aggravated assault, any sex offense as defined in Section
456 45-33-1, for any violation of Section 41-29-139(a)(1) or for any
457 violation of Section 63-11-30, shall not be held confidential and
458 shall be made available to the public.

459 (10) The judges of the circuit and county courts, and
460 presentence investigators for the circuit courts, as provided in
461 Section 47-7-9, shall have the right to inspect any youth court
462 records of a person convicted of a crime for sentencing purposes
463 only.

464 (11) The victim of an offense committed by a child who is
465 the subject of a youth court cause shall have the right to be
466 informed of the child's disposition by the youth court.

467 (12) The Classification Committee of the State Department of
468 Corrections, as provided in Section 47-5-103, shall have the right
469 to inspect any youth court records, excluding abuse and neglect
470 records, of any offender in the custody of the department who as a
471 child or minor was a juvenile offender or was the subject of a
472 youth court cause of action, and the State Parole Board, as
473 provided in Section 47-7-17, shall have the right to inspect such
474 records when said offender becomes eligible for parole.

475 (13) The youth court shall notify the Department of Public
476 Safety of the name, and any other identifying information such
477 department may require, of any child who is adjudicated delinquent
478 as a result of a violation of the Uniform Controlled Substances
479 Law.

480 (14) The Administrative Office of Courts shall have the
481 right to inspect any youth court records in order that the number
482 of youthful offenders, abused, neglected, truant and dependent
483 children, as well as children in need of special care and children
484 in need of supervision, may be tracked with specificity through
485 the youth court and adult justice system, and to utilize tracking
486 forms for such purpose.

487 (15) Upon a request by a youth court, the Administrative
488 Office of Courts shall disclose all information at its disposal
489 concerning any previous youth court intakes alleging that a child
490 was a delinquent child, child in need of supervision, child in
491 need of special care, truant child, abused child or neglected
492 child, as well as any previous youth court adjudications for the
493 same and all dispositional information concerning a child who at
494 the time of such request comes under the jurisdiction of the youth
495 court making such request.

496 (16) In every case where an abuse or neglect allegation has
497 been made, the confidentiality provisions of this section shall
498 not apply to prohibit access to a child's records by any state
499 regulatory agency, any state or local prosecutorial agency or law
500 enforcement agency; provided, however, that no identifying
501 information concerning the child in question may be released to
502 the public by such agency except as otherwise provided herein.

503 (17) In every case where there is any indication or
504 suggestion of either abuse or neglect and a child's physical
505 condition is medically labeled as medically "serious" or
506 "critical" or a child dies, the confidentiality provisions of this
507 section shall not apply.

508 (18) Any member of a foster care review board designated by

509 the Department of Human Services shall have the right to inspect
510 youth court records relating to the abuse, neglect or child in
511 need of supervision cases assigned to such member for review.

512 SECTION 6. This act shall take effect and be in force from
513 and after July 1, 1999.